

Edwin M. Larkin  
Zachary W. Silverman  
EDWARDS WILDMAN PALMER LLP  
750 Lexington Avenue  
New York, NY 10022  
(212) 308-4411  
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
EXCEL TECHNOLOGY, INC.,	:	
	:	Case No. 13-cv-06415-RMB
Plaintiff,	:	
	:	<b><u>AFFIDAVIT OF SERVICE</u></b>
-against-	:	
	:	
EXCEL LASER TECHNOLOGY PRIVATE	:	
LIMITED,	:	
	:	
Defendant.	:	
	::	
-----	X	

STATE OF NEW YORK                    )  
  ss.:  
COUNTY OF NEW YORK                )

ZACHARY W. SILVERMAN, being duly sworn, deposes and says:

1. I am a member of the bar of this Court, and I am associated with the firm Edwards Wildman Palmer LLP, attorneys for plaintiff Excel Technology, Inc. ("Excel"). I am familiar with all of the facts and circumstances in this action and I make this affidavit in order to confirm proper service of the Order to Show Cause for Default Judgment (Docket No. 9) on defendant Excel Laser Technology Private Limited ("ELT").


2. The Order to Show Cause directed Excel to make service on ELT in the same manner as it effected service of the complaint. (Docket No. 9.)

3. Excel effected service of the complaint by (i) mailing it by Federal Express International Priority Mail, via Mercury Business Services to Plot No. D-6, Street No. 20, Marol MIDC, Andheri (East), Mumbai 400 093 and (ii) causing co-counsel in India to personally serve ELT at that address, pursuant to Indian law. (See Docket No. 4.)

4. On or about February 4, 2014, my law clerk, John Francavillo, mailed the Order to Show Cause and supporting documents to ELT, at the Mumbai address, by International Federal Express, via Mercury Business services. A true and correct copy of Mr. Francavillo's affidavit of service memorializing this mailing is annexed hereto as **Exhibit A**.

5. Mercury's tracking services indicate that the mailing was delivered to, and received by, ELT on or about February 7, 2014 at 10:04 a.m. A true and correct copy of the delivery confirmation is annexed hereto as **Exhibit B**.

6. On or about February 5, 2015, co-counsel in India personally served ELT with the Order to Show Cause and supporting documents, at the Mumbai address, in accordance with Indian law. Annexed hereto as **Exhibit C** is a true and correct copy of a letter from Indian co-counsel to ELT, along with the Order to Show Cause, both bearing an ELT stamp indicating receipt on February 5, 2014 at 5:00 p.m.

  
ZACHARY W. SILVERMAN

Sworn to before me this

~~day of September, 2013~~  
7<sup>th</sup> day of February 2014

  
Notary Public **JOHN FRANCAVILLO**  
Notary Public, State of New York  
No. 24-4838118  
Qualified in Kings County  
Certificate Filed in Kings County  
Commission Expires Oct. 31, 2014

AM 28257821.1

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
EXCEL TECHNOLOGY, INC.,

Plaintiff,

-against-

EXCEL LASER TECHNOLOGY PRIVATE  
LIMITED,

Defendant.  
----- X

Case No. 13-cv-06415-RMB

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK :

.ss:

COUNTY OF NEW YORK :

JOHN FRANCAVILLO, being duly sworn deposes and says:

I am not a party to this action. I am over the age of 18 years and employed by Edwards Wildman Palmer LLP.

On February 4, 2014 I served the Order To Show Cause, dated February 3, 2014, with accompanying papers upon:

Excel Laser Technology Private Limited  
Plot No. D-6, Street No. 20  
Marol MIDC, Andheri (East)  
Mumbai 400 093  
India

by mailing true copies via International Federal Express, Tracking No. 55555140204102958.

  
JOHN FRANCAVILLO

Sworn to before me this  
4th day of February 2014

  
Notary Public

JEAN W. McLOUGHLIN  
Notary Public, State of New York  
No. 01MC6134463  
Qualified in Queens County  
Commission Expires April 7, 20 16

# EXHIBIT B

[fedex.com](http://fedex.com) | [Ship](#) | [Track](#) | [Manage](#) | [Learn](#) | [Office/Print Services](#)

## Your package has been delivered

Tracking # 595462728494

Ship (P/U) date:  
Tuesday, 2/4/14

**TODD SCOTT**  
MERCURY BUSINESS  
SERVICES  
NEW YORK, NY 10018  
US



Delivered

Delivery date:  
Friday, 2/7/14 10:04 AM

**EXCEL LASER**  
**TECHNOLOGY PRIVATE LTD**  
PLOT NO. D-6, STREET NO.20  
MAROL MIDC, ANDHERI  
(EAST)  
MUMBAI, 400093  
IN

### Shipment Facts

Our records indicate that the following package has been delivered.

**Tracking number:** 595462728494

**Status:** Delivered: 02/07/2014 10:04  
AM Signed for By: D.DINESH  
BOHRA

**Department number:** INTL

**Invoice number:** JOHN FRANCAVILLO

**Purchase order number:** 55555140204102958

**Reference:** 55555 \ 29575.0003.11430

**Signed for by:** D.DINESH BOHRA

**Delivery location:** MUMBAI,

**Delivered to:** Mailroom

**Service type:** FedEx International Priority

**Packaging type:** FedEx Pak

**Number of pieces:** 1

**Weight:** 0.90 lb.

**Special handling/Services:** Deliver Weekday



✉ Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:09 AM CST on 02/07/2014.

To learn more about FedEx Express, please go to [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.

**IMPORTANT!**FedEx resumes standard daily operations in the Midwest and Northeast. [Learn More](#)**595462728494**

Ship (P/U) date :  
**Tues 2/04/2014 8:19 pm**  
 NEW YORK, NY US

**Delivered**

Signed for by: D.DINESH BOHRA

Actual delivery :  
**Fri 2/07/2014 10:04 am**  
 MUMBAI IN

**Travel History**

Date/Time	Activity	Location
<b>- 2/07/2014 - Friday</b>		
10:04 am	Delivered	MUMBAI IN
9:02 am	On FedEx vehicle for delivery	MUMBAI IN
8:51 am	At local FedEx facility	MUMBAI IN
5:51 am	In transit	MUMBAI IN
4:51 am	In transit	MUMBAI IN
3:03 am	In transit	MUMBAI IN
2:28 am	In transit	MUMBAI IN
<b>- 2/06/2014 - Thursday</b>		
8:39 pm	In transit	NEW DELHI IN
7:07 pm	In transit	NEW DELHI IN
6:05 pm	International shipment release - Import	NEW DELHI IN
5:40 pm	In transit Package available for clearance	NEW DELHI IN
4:39 pm	At destination sort facility	NEW DELHI IN
4:25 am	Departed FedEx location	ROISSY CHARLES DE GAULLE CEDEX FR
3:20 am	In transit	ROISSY CHARLES DE GAULLE CEDEX FR
<b>- 2/05/2014 - Wednesday</b>		
9:34 pm	Departed FedEx location	ROISSY CHARLES DE GAULLE CEDEX FR
7:33 pm	In transit	ROISSY CHARLES DE GAULLE CEDEX FR
6:54 pm	Arrived at FedEx location	ROISSY CHARLES DE GAULLE CEDEX FR
5:38 am	In transit	MEMPHIS, TN
5:36 am	In transit	MEMPHIS, TN
4:20 am	Departed FedEx location	MEMPHIS, TN
2:09 am	In transit	MEMPHIS, TN
1:04 am	Arrived at FedEx location	MEMPHIS, TN
<b>- 2/04/2014 - Tuesday</b>		
11:22 pm	Departed FedEx location	NEWARK, NJ
7:45 pm	Shipment information sent to FedEx	
8:19 pm	Picked up	NEW YORK, NY

Local Scan Time

**Shipment Facts**

**Tracking number** 595462728494  
**Weight** 0.9 lbs  
**Total pieces** 1  
**Purchase order number** 55555140204102958  
**Department number** INTL  
**Packaging** FedEx Pak

**Service** FedEx International Priority  
**Delivered To** Mailroom  
**Total shipment weight** 0.9 lbs / 0.4 kgs  
**Invoice number** JOHN FRANCAVILLO  
**Shipper reference** 55555129575.0003.11430  
**Special handling section** Deliver Weekday



# EXHIBIT C

O/C

am

amarchand mangaldas

Ref:921

February 5, 2014

To,  
Excel Laser Technology Pvt. Ltd.  
Plot No.6, Street No.20,  
Marol MIDC,  
Andheri (E),  
Mumbai - 400 093.

Kind Attn. Mr. Joel Cardoso

Dear Sir,

Re: United States District Court  
Southern District of New York  
Case No.13-cv-06415-RMB  
Excel Technology, Inc. ... Plaintiff  
Against  
Excel Laser Technology Pvt. Ltd. ... Defendant

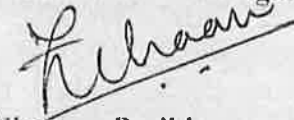
---

We are concerned for our client, Excel Technology Inc., the Plaintiff abovenamed.

Please find enclosed herewith a copy of the Order to show cause for default judgment dated February 3, 2014 passed by the Hon'ble United States District Judge in the matter, along with the supporting documents thereto, as and by way of service upon you.


Yours Faithfully,

Amarchand & Mangaldas & Suresh A. Shroff & Co.

  
Shantreen Parikh  
Partner

Encl : A/a



  
5/02/2014  
5 PM

amarchand & mangaldas & suresh a. shroff & co.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
EXCEL TECHNOLOGY, INC.,

Plaintiff,

-against-

EXCEL LASER TECHNOLOGY PRIVATE  
LIMITED,

Defendant.  
----- X

Case No. 13-cv-06415-RMB

**ORDER TO SHOW CAUSE  
FOR DEFAULT JUDGMENT**

Upon the Complaint and accompanying declaration of Zachary W. Silverman, dated January 29, 2014; and declaration of Robert Buckley, dated January 29, 2014, it is

ORDERED that defendant Excel Laser Technology Private Limited ("ELT"), show cause before a motion term of this Court, at Room 120, United States Courthouse, 500 Pearl Street, County and State of New York, on Feb 13, 2014 at 10:30 AM, or as soon thereafter as counsel may be heard, why an Order should not be issued pursuant to Rule 55(b) of the Federal Rules of Civil Procedure entering default judgment in favor of plaintiff Excel Technology, Inc. ("Excel") and against ELT; and it is further

ORDERED that service of a copy of this Order, together with the papers upon which it was entered, upon ELT in the same manner as Excel effected service of the Complaint, no later than fifteen business days after the date of this Order, shall be considered good and sufficient service thereof; and it is further

ORDERED that answering papers, if any, shall be served by email upon Edwards Wildman Palmer LLP, 750 Lexington Avenue, New York, New York 10022 (Attn: Zachary W.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #  
DATE FILED: 2/13/14

